

# House File 457

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## AN ACT

1 4 EXPANDING REQUIREMENTS FOR THE TRANSITION OF AN INDIVIDUAL

1 5 FROM THE CHILD WELFARE SERVICES SYSTEM TO ADULTHOOD.

1 6

1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8

1 9 Section 1. Section 232.2, subsection 4, paragraph f, Code

1 10 2003, is amended to read as follows:

1 11 f. (1) When a child is sixteen years of age or older, a

1 12 written transition plan of services which, based upon an

1 13 assessment of the child's needs, would assist the child in

1 14 preparing for the transition from foster care to ~~independent~~

~~1 15 living adulthood~~. The written plan of services and needs

1 16 assessment shall be developed with any person who may

1 17 reasonably be expected to be a service provider for the child

1 18 when the child becomes an adult or to become responsible for

1 19 the costs of services at that time, including but not limited

1 20 to the administrator of county general relief under chapter

1 21 251 or 252 or of the single entry point process implemented

1 22 under section 331.440. If the child is interested in pursuing

1 23 higher education, the plan shall provide for the child's

1 24 participation in the college student aid commission's program

1 25 of assistance in applying for federal and state aid under

1 26 section 261.2.

1 27 (2) If the needs assessment indicates the child is

1 28 reasonably likely to need or be eligible for services or other

1 29 support from the adult service system upon reaching age

1 30 eighteen, the transition plan shall be reviewed and approved

1 31 by the transition committee for the area in which the child

1 32 resides, in accordance with section 235.7, before the child

1 33 reaches age seventeen and one-half. The transition

1 34 committee's review and approval shall be indicated in the case

1 35 permanency plan.

2 1 Sec. 2. Section 232.2, subsection 22, paragraph b, Code

2 2 2003, is amended by adding the following new subparagraph:

2 3 NEW SUBPARAGRAPH. (7) If the child is required to have a

2 4 transition plan developed in accordance with the child's case

2 5 permanency plan and subject to review and approval of a

2 6 transition committee under section 235.7, assisting the

2 7 transition committee in development of the transition plan.

2 8 Sec. 3. Section 232.2, subsection 22, Code 2003, is

2 9 amended by adding the following new paragraph:

2 10 NEW PARAGRAPH. d. If authorized by the court, a guardian

2 11 ad litem may continue a relationship with and provide advice

2 12 to a child for a period of time beyond the child's eighteenth

2 13 birthday.

2 14 Sec. 4. Section 232.52, subsection 6, unnumbered paragraph

2 15 2, Code 2003, is amended to read as follows:

2 16 When the court orders the transfer of legal custody of a

2 17 child pursuant to subsection 2, paragraph "d", and the child

2 18 is sixteen years of age or older, the order shall specify the

2 19 services needed to assist the child in preparing for the

2 20 transition from foster care to ~~independent living~~ adulthood.

2 21 If the child has a case permanency plan, the court shall

2 22 consider the written transition plan of services and needs

2 23 assessment developed for the child's case permanency plan. If

2 24 the child does not have a case permanency plan containing the

2 25 ~~written transition~~ plan and needs assessment at the time the

2 26 transfer order is entered, ~~in determining the services to be~~

~~2 27 specified in the order, the court shall consider a the written~~

~~2 28 transition plan for such services and a needs assessment which~~

~~2 29 shall be developed with any person who may reasonably be~~

~~2 30 expected to be a service provider for the child or to become~~

~~2 31 responsible for the costs of services at that time, including~~

~~2 32 but not limited to the administrator of county general relief~~

~~2 33 under chapter 251 or 252 or of the single entry point process~~

~~2 34 implemented under section 331.440 and submitted for the~~

~~2 35 court's consideration no later than six months from the date~~

~~3 1 of the transfer order. If the child is interested in pursuing~~

~~3 2 higher education, the plan shall provide for the child's~~

~~3 3 participation in the college student aid commission's program~~

~~3 4 of assistance in applying for federal and state aid under~~

~~3 5 section 261.2. The court shall modify the initial transfer~~

~~3 6 order as necessary to specify the services needed to assist  
3 7 the child in preparing for the transition from foster care to  
3 8 adulthood. If the transition plan identifies services or  
3 9 other support needed to assist the child when the child  
3 10 becomes an adult and the court deems it to be beneficial to  
3 11 the child, the court may authorize the individual who is the  
3 12 child's guardian ad litem or court appointed special advocate  
3 13 to continue a relationship with and provide advice to the  
3 14 child for a period of time beyond the child's eighteenth  
3 15 birthday.~~

3 16 Sec. 5. Section 232.102, subsection 1, unnumbered  
3 17 paragraph 2, Code 2003, is amended to read as follows:

~~3 18 If the child is sixteen years of age or older, the order  
3 19 shall specify the services needed to assist the child in  
3 20 preparing for the transition from foster care to independent  
3 21 living adulthood. If the child has a case permanency plan,  
3 22 the court shall consider the written transition plan of  
3 23 services and needs assessment developed for the child's case  
3 24 permanency plan. If the child does not have a case permanency  
3 25 plan containing the written transition plan and needs  
3 26 assessment at the time the order is entered, in determining  
3 27 the services to be specified in the order, the court shall  
3 28 consider a the written transition plan for such services and a  
3 29 needs assessment which shall be developed with any person who  
3 30 may reasonably be expected to be a service provider for the  
3 31 child or to become responsible for the costs of services at  
3 32 that time, including but not limited to the administrator of  
3 33 county general relief under chapter 251 or 252 or of the  
3 34 single entry point process implemented under section 331.440  
3 35 and submitted for the court's consideration no later than six  
4 1 months from the date of the transfer order. The court shall  
4 2 modify the initial transfer order as necessary to specify the  
4 3 services needed to assist the child in preparing for the  
4 4 transition from foster care to adulthood. If the transition  
4 5 plan identifies services or other support needed to assist the  
4 6 child when the child becomes an adult and the court deems it  
4 7 to be beneficial to the child, the court may authorize the  
4 8 individual who is the child's guardian ad litem or court  
4 9 appointed special advocate to continue a relationship with and  
4 10 provide advice to the child for a period of time beyond the  
4 11 child's eighteenth birthday.~~

4 12 Sec. 6. Section 232.103, subsection 3, Code 2003, is  
4 13 amended to read as follows:

~~4 14 3. A change in the level of care for a child who is  
4 15 subject to a dispositional order for out-of-home placement  
4 16 requires modification of the dispositional order. A hearing  
4 17 shall be held on a motion to terminate or modify a  
4 18 dispositional order except that a hearing on a motion to  
4 19 terminate an order may be waived upon agreement by all  
4 20 parties. Reasonable notice of the hearing shall be given to  
4 21 the parties. The hearing shall be conducted in accordance  
4 22 with the provisions of section 232.50.~~

4 23 Sec. 7. Section 232.127, Code 2003, is amended by adding  
4 24 the following new subsection:

4 25 NEW SUBSECTION. 10. If the child is sixteen years of age  
4 26 or older and an order for an out-of-home placement is entered,  
4 27 the order shall specify the services needed to assist the  
4 28 child in preparing for the transition from foster care to  
4 29 adulthood. If the child has a case permanency plan, the court  
4 30 shall consider the written transition plan of services and  
4 31 needs assessment developed for the child's case permanency  
4 32 plan. If the child does not have a case permanency plan  
4 33 containing the transition plan and needs assessment at the  
4 34 time the order is entered, the written transition plan and  
4 35 needs assessment shall be developed and submitted for the  
5 1 court's consideration no later than six months from the date  
5 2 of the transfer order. The court shall modify the initial  
5 3 transfer order as necessary to specify the services needed to  
5 4 assist the child in preparing for the transition from foster  
5 5 care to adulthood. If the transition plan identifies services  
5 6 or other support needed to assist the child when the child  
5 7 becomes an adult and the court deems it to be beneficial to  
5 8 the child, the court may authorize the individual who is the  
5 9 child's guardian ad litem or court appointed special advocate  
5 10 to continue a relationship with and provide advice to the  
5 11 child for a period of time beyond the child's eighteenth  
5 12 birthday.

5 13 Sec. 8. Section 232.183, subsection 5, Code 2003, is  
5 14 amended by adding the following new paragraph:

5 15 NEW PARAGRAPH. d. If the child is sixteen years of age or  
5 16 older, the order shall specify the services needed to assist

5 17 the child in preparing for the transition from foster care to  
5 18 adulthood. If the child has a case permanency plan, the court  
5 19 shall consider the written transition plan of services and  
5 20 needs assessment developed for the child's case permanency  
5 21 plan. If the child does not have a case permanency plan  
5 22 containing the transition plan and needs assessment at the  
5 23 time the order is entered, the transition plan and needs  
5 24 assessment shall be developed and submitted for the court's  
5 25 consideration no later than six months from the date of the  
5 26 transfer order. The court shall modify the initial transfer  
5 27 order as necessary to specify the services needed to assist  
5 28 the child in preparing for the transition from foster care to  
5 29 adulthood. If the transition plan identifies services or  
5 30 other support needed to assist the child when the child  
5 31 becomes an adult and the court deems it to be beneficial to  
5 32 the child, the court may authorize the individual who is the  
5 33 child's guardian ad litem or court appointed special advocate  
5 34 to continue a relationship with and provide advice to the  
5 35 child for a period of time beyond the child's eighteenth  
6 1 birthday.

6 2 Sec. 9. Section 234.35, Code 2003, is amended by adding  
6 3 the following new subsection:

6 4 NEW SUBSECTION. 4. The department shall report annually  
6 5 to the governor and general assembly by January 1 on the  
6 6 numbers of children for whom the state paid for independent  
6 7 living services during the immediately preceding fiscal year.  
6 8 The report shall detail the number of children, by county, who  
6 9 received such services, were discharged from such services,  
6 10 the voluntary or involuntary status of such services, and the  
6 11 reasons for discharge. The department shall assess the report  
6 12 data as part of any evaluation of independent living services  
6 13 or consideration for improving the services.

6 14 Sec. 10. NEW SECTION. 235.7 TRANSITION COMMITTEES.

6 15 1. COMMITTEES ESTABLISHED. The department of human  
6 16 services shall establish and maintain local transition  
6 17 committees to address the transition needs of those children  
6 18 receiving child welfare services who are age sixteen or older  
6 19 and have a case permanency plan as defined in section 232.2.  
6 20 The department shall adopt rules establishing criteria for  
6 21 transition committee membership, operating policies, and basic  
6 22 functions. The rules shall provide flexibility for a  
6 23 committee to adopt protocols and other procedures appropriate  
6 24 for the geographic area addressed by the committee.

6 25 2. MEMBERSHIP. The department may authorize the  
6 26 governance boards of child welfare funding decategorization  
6 27 projects established under section 232.188 to appoint the  
6 28 transition committee membership and may utilize the boundaries  
6 29 of decategorization projects to establish the service areas  
6 30 for transition committees. The committee membership may  
6 31 include but is not limited to department of human services  
6 32 staff involved with foster care, child welfare, and adult  
6 33 services, juvenile court services staff, staff involved with  
6 34 county general relief under chapter 251 or 252, or of the  
6 35 single entry point process implemented under section 331.440,  
7 1 school district and area education agency staff involved with  
7 2 special education, and a child's court appointed special  
7 3 advocate, guardian ad litem, service providers, and other  
7 4 persons knowledgeable about the child.

7 5 3. DUTIES. A transition committee shall review and  
7 6 approve the written plan of services required for the child's  
7 7 case permanency plan in accordance with section 232.2,  
7 8 subsection 4, paragraph "f", which, based upon an assessment  
7 9 of the child's needs, would assist the child in preparing for  
7 10 the transition from foster care to adulthood. In addition, a  
7 11 transition committee shall identify and act to address any  
7 12 gaps existing in the services or other support available to  
7 13 meet the child and adult needs of individuals for whom service  
7 14 plans are approved.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

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I hereby certify that this bill originated in the House and  
is known as House File 457, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor